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Correctional Association of New York

Report of a Committee of the Prison Association...

New York

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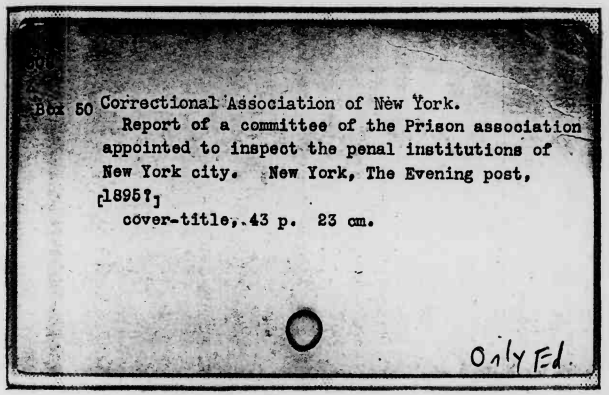
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REPORT OF A COMMITTEE

— OF THE —

PRISON ASSOCIATION

APPOINTED TO INSPECT

THE PENAL INSTITUTIONS

OF

NEW YORK CITY.

The Evening Post Job Printing House, New York.

REPORT.

To the Prison Association of New York:

The undersigned, constituting the Committee appointed to inspect the prisons in New York City, respectfully report as follows:

By a provision of the act incorporating the Prison Association of New York, passed May 9, 1846, it was provided that the Executive Committee of the Prison Association, by such Committees as they shall from time to time appoint, shall have power and it shall be their duty to visit, inspect and examine all the prisons in the State, and annually report to the Legislature their state and condition, and all such other things in regard to them as may enable the Legislature to perfect their government and discipline, provided that an order for such inspection be granted by one of the Judges of the Supreme Court, specifying the name of the prisons to be examined, the name of the persons by whom the examination is to be made, and the time within which the same must be concluded. The act confers upon any such Committee the powers of prison inspectors of county prisons. Such inspectors, at the time the charter of the Association was adopted, were authorized by law to examine every part of any prison and any books or documents pertaining to the prison, to examine on oath any of the officers of any prison, and to converse with any of the prisoners without the presence of the keepers.

At a meeting of the Executive Committee, held October 17, 1895, John W. Hutchinson, Frederick Peterson, M. D., and George C. Holt were appointed a Committee, to which Charlton T. Lewis, as President, and W. M. F. Round, as Corresponding Secretary of the Executive Committee, were

added, as *ex-officio* members, to visit and inspect the City Prison, commonly called the Tombs, the County Jail at Ludlow street, the Penitentiary and Workhouse at Blackwell's Island, and the various district prisons in the City of New York.

On October 28, 1895, pursuant to the provisions of the charter, an order was duly granted by the Hon. George C. Barrett, a Justice of the Supreme Court, authorizing such inspection of the city prisons by said Committee.

The Committee met and organized by the election of Mr. Holt as Chairman, and Mr. Round as Secretary, and thereafter proceeded from time to time to inspect and examine the various prisons in the City of New York. They devoted to the examination of the Tombs, two days; of the Essex Market District Prison, half a day; of the Jefferson Market District Prison and the Fifty-seventh Street District Prison, one day; of the Harlem District Prison and the Morrisania District Prison, one day; of Ludlow Street Jail, two days; and of the Penitentiary and Workhouse on Blackwell's Island, two days.

At all these institutions the Committee was received with unvarying courtesy, and was afforded by the Commissioners of Charities and Correction, the Sheriff, and all wardens, officers and keepers, every facility to inspect and examine all parts of the institutions. Full information was given by all wardens and keepers in answer to all questions asked. In most cases the wardens and officers of the prisons were examined under oath, and their testimony taken by a stenographer who accompanied the Committee. The members of the Committee conversed freely with the prisoners, and informed them that they were a Committee of the Prison Association authorized to examine the prisons by an order of the Supreme Court, and to converse with them in the absence of their keepers. At the Penitentiary, the convicts, while collected together at dinner, were informed that the Committee was willing to see any of them privately, and those who wished to see the Committee were directed to stand up. Eighteen men, out of about one thousand present, arose, and were seen one by one in a separate

room, apart from their keepers. The Committee also called before them most of the men in Ludlow Street Jail detained upon civil process, and examined them at length in reference to the condition of the prison and the circumstances of their imprisonment; and the Committee endeavored in all the prisons to inform the prisoners of their authority, and offered as full opportunities as possible for the prisoners to make complaints or to communicate with them on any subject.

The Committee is of the opinion that there is much to commend as well as much to censure in the condition of the prisons of New York.

General Administration.

The general internal administration of the prisons, leaving out of view the evils which are due to defects in original construction or in overcrowding, may be said to be fairly good. The order and discipline maintained in all the institutions visited appeared to be thorough and efficient The cells and prison buildings generally, with a few exceptions, were clean, and a good system was established for keeping them continuously clean. The food furnished to the prisoners, although plain prison fare, was uniformly wholesome and sufficient. In the city prisons the meals consist of a breakfast of bread and coffee, with sugar if desired; a dinner of beef stew, made of good fresh beef, and potatoes, carrots, rice, onions and similar vegetables; and a supper of bread and tea. On Friday, fish chowder is generally substituted for the beef stew. In the institutions on Blackwell's Island and in the Ludlow Street Jail the midday meal is varied, so that they have sometimes mutton stew, corned beef and cabbage, fish, bean soup and other similar dishes. The Committee thinks that such a variety in the midday meal might well be introduced in the city prisons. The food furnished is just as cheap, and some variety in prison food is desirable. The usual

hours for serving the meals in most of the prisons are well arranged. The hours in the Tombs seemed to the Committee objectionable. In that prison breakfast is served at seven, the midday meal at two and the supper at four. The reason given by the Warden for this arrangement was, that visitors are admitted until nearly two and that the midday meal could not be conveniently served until the visitors are absent. We think it desirable that the hours for visitation be somewhat curtailed and the midday meal served a little earlier and supper a little later. The general conduct of the wardens and keepers seemed to the Committee to be good. There were no complaints and nothing to indicate that the keepers were guilty of any cruelty or misconduct toward the inmates.

There are, however, in the opinion of the Committee, serious evils in the condition of the prisons of New York City calling for correction. Many of these are due either to defects in the original structure or to the present condition of the prison buildings, or to the neglect to establish a proper system for the government of the prisons complying with existing provisions of law, and are not matters for which the wardens or keepers are responsible.

Overcrowding in the Tombs.

One of the greatest evils which at present exist in the prisons of New York is the overcrowding of the Tombs and the Penitentiary. The Tombs Prison is not intended to be a prison to which convicts are committed, but is intended only as a place of detention for men charged with crime. Except in a very few instances, no convicts are imprisoned there. With the exception of capital cases, the men detained there are simply held to bail, and are entitled to be discharged at any time upon giving bail, and the simple function of the prison is to insure the prisoner's attendance at the trial of a criminal charge not yet proved against him. The Tombs consists of a city block surrounded by a wall, within which are three prison buildings, and another building on Centre street, formerly occupied as a police court and for offices and Warden's rooms. The three

prisons consist of the old Tombs Prison and two smaller prisons, one known as the ten-day house for the detention of petty offenders and the other as the women's and boys' prison. These two prisons are comparatively modern buildings, and are much superior in design and detail to the old prison. They are small buildings, built to relieve the overcrowded old prison on the ground which was available. The old prison remains much the largest one. It was built many years ago, and its design and arrangement is radically and irremediably bad. Instead of being constructed with cells in the centre of the building and a corridor extending around the cells, with adequate windows in the walls, affording light and ventilation, it is constructed with the cells built against the walls and opening into a central court. There are four tiers or stories of these cells, with a narrow gallery running around the central court opposite each tier of cells. The cells have a little slit or window through the rear wall, but the air and light in them come principally from the central court through the grated doors. The cells are about ten feet long by six feet in width. They each contain one bedstead, covered with a straw mattress, about three feet in width, originally intended for one prisoner, and an uncovered water-closet, with a water-pipe coming out of the wall several feet over it, from which cold water can be turned on to flush the closet. These closets are old, rusty and more or less dirty and offensive. The cells are dark, the ventilation is necessarily defective, and the smell, characteristic of a badly ventilated prison, is always present. There is no provision in the Tombs for exercising prisoners in a yard or in the open air. The method of exercise in the Tombs is this: All the men on each tier are let out and permitted to walk around the gallery opposite their cells about an hour in the morning and an hour in the afternoon, at the end of which time they are returned to their cells. They are, therefore, kept in their cells about twenty-two hours out of the twenty-four, without ever having an opportunity to exercise in the fresh air. There are in the entire

Tombs Prison two hundred and ninety-eight cells. As most of the Tombs prisoners have not been convicted of any crime, they cannot by law be made to perform in the prison the necessary work of cleaning, cooking and other necessary labor. From forty to fifty persons are therefore detailed from the Workhouse and are confined in the Tombs, being taken out of their cells each day to do the work to which they are allotted. They occupy about twenty of the cells, leaving about two hundred and seventy-five cells which can be used for Tombs prisoners proper. The number of men detailed to do such work seems to the Committee larger than necessary, and the surplus occupy cells needed for the Tombs prisoners.

On the day the Committee visited the Tombs there were confined there about four hundred and seventy prisoners, which is about the ordinary number. This makes necessary the putting of two prisoners in most of the cells. It not infrequently occurs that the prison is so full that it is necessary to put three men in some of the cells. Whenever the Courts make little progress, as in the summer vacation, or when each part is occupied with a long trial, the prison rapidly fills up. This has very recently occurred. The Committee is informed that during the past week every cell in the Tombs has contained two men each, and fifteen or twenty cells have contained three men each. But ordinarily for years past, most of the cells have contained two inmates, and a small portion of them one. In the cases where two or three men occupy one of these cells, they pass twenty-two hours of the day in this cell together. The cell contains no chair or table. There is no place to sit down except upon the narrow bed. They sleep together in this narrow bed, usually lying one with his head at one end of the bed and the other with his head at the other end, whenever two occupy the cell; when there are three occupants, the third man lies on a mattress or blanket on the floor. And in such a cell they remain, in some instances for months, day and night, in the cold of winter, and the sweltering heat of summer, breathing the foul air of the prison, and the fouler exhalations from the closets in the cells. The

Committee saw one prisoner, charged with homicide, who had been confined in such a cell with another prisoner more than ten months, who had just been informed that the District Attorney had concluded that he could not make out any case against him, and would consent to his discharge as soon as the necessary papers could be prepared. If that man was, in fact, guilty, his punishment, unless there were no extenuating circumstances, was severe; if he were innocent he is the victim of a horrible injustice. Such treatment of dogs would be gross cruelty; and when it is considered that the men so treated have not been convicted, and in many instances never are convicted of any crime, and that the prison is only intended to be a place for safe detention and not a place for punishment, no language which can be employed can be too severe in denunciation of such an infamy. The Tombs Prison, as it has existed for years past, is a disgrace to the City of New York. It ought to be immediately demolished. It cannot be made decent. It is defective in every modern appliance. It is dark, damp and ill-ventilated. The water-closets in its cells are a filthy nuisance. There are no decent facilities in the prison for bathing, there being only an old rusty bath tub in one cell on each tier, with cold water running into it, which is very rarely used, and the cold water running from the pipe in each cell. There is no fit place in it for the prisoners to take necessary exercise. There is no employment of any kind for the prisoners. No adequate hospital facilities are afforded. There is a cell on each tier fitted up for a sick cell, but it is substantially like all the other cells. If a man becomes seriously ill he is taken to Bellevue Hospital. There is no dining-room. All meals are taken in the cells, the prisoners resting their pans and cups on the bed or the rim of the water-closets, which seemed to be the substitute for a dining table most commonly employed. There is no room where the prisoners can be collected for religious services or instruction. The kitchen and the kitchen arrangements are entirely insufficient. The kitchen in which food for about 500 persons is cooked daily is a room about 24 feet by 12. The provisions for women prisoners

are entirely inadequate; and, in short, almost everything about the design and arrangement of the Tombs Prison deserves unqualified censure. Worst of all is the hideous system of keeping two or three men in a cell, which is nothing but a means of indescribable torture to a decent man, and a prolific school of vice and crime to a criminal. Such a system offers monstrous opportunities for extortion. Suppose that a man of cleanly habits, who has money, is arrested on a charge of crime and taken to the Tombs. The keeper there has the legal power and discretion either to put him into a cell by himself or into a cell with some degraded criminal, filthy in dress, habits, manners and nature. Can any one who knows human nature, and knows the kind of men who are frequently employed to discharge the duties of a prison turnkey, doubt that such a prisoner will be made to understand that he can obtain the seclusion and decency of a cell to himself upon the payment of money? The Committee has no evidence nor any ground for a charge that anything of the sort has ever occurred, but no system should be tolerated in prison administration which can make possible such an opportunity for extortion.

Overcrowding in the Penitentiary.

The Penitentiary on Blackwell's Island suffers similarly from overcrowding. It has about seven hundred and fifty cells. On the day the Committee visited it 1,053 prisoners were confined there. The result is that nearly half the cells in the Penitentiary contain two inmates. The actual evil of the system, however, is not nearly so great in the Penitentiary as in the Tombs, because the men are out at work all day, and are only confined in their cells at night and on Sundays and holidays. The penitentiary cells, however, are even smaller than those in the Tombs, being 7 feet long, 7 feet high and $3\frac{1}{2}$ feet wide, and the confinement of two men in one such cell, under any circumstances, not only violates every correct principle of prison discipline, but is inherently inhuman and indecent. The peculiarly offensive feature in the Tombs, of making two men sleep on a narrow bed intended for one person, is

obviated in the penitentiary by the construction in each cell of two beds, one situated above the other, each consisting of an iron frame with a canvas cot attached to it, which frame is fastened to the wall with hinges, and is turned up against the wall when not in use, like the berths in a sleeping car, leaving the whole of the cell free. This simple arrangement might have been adopted in the Tombs at any time. The Warden of the Penitentiary informed us that he could make, with convict labor, in the blacksmith shop of the Penitentiary, in a few weeks, as many such beds as would be needed to equip the Tombs Prison. In some prisons canvas hammocks are used, having hooks at one end, so that when not in use as beds they can be taken down and the whole cell left free. Such hammocks are, in some respects, preferable to the cots on iron frames.

Remedy for Overcrowding by Removal to Other Prisons.

But a better remedy for the overcrowding, both in the Tombs and the Penitentiary, would be afforded by removing some of the men to the other prisons. In the various district prisons in the City of New York, all of which are under the supervision of the Warden of the Tombs, and constitute in law simply parts of the City Prison, there is ordinarily a considerable number of vacant cells. Not more than about one-half of the cells in the district prisons were occupied at the time the Committee visited them, and there would be no difficulty in transferring a number of the prisoners in the Tombs to the district prisons. It is, of course, a little more convenient to keep prisoners awaiting trial in the Tombs, because it is immediately adjacent to the new Criminal Court Building. Men awaiting trial must frequently be taken across to the court to plead and for other purposes. But at present a requisition is sent every evening from the District Attorney's office to the Warden of the Tombs, specifying the particular prisoners wanted in court the next day, and there would be no essential difficulty in bringing such prisoners,

upon such notice to the Tombs that evening or the next morning, if they were confined in any of the district prisons. Moreover, there are at all times confined in the Tombs a number of prisoners who it is known will not probably be called to court for some days at least, and all such prisoners might be confined elsewhere until about the time when their presence in court will be probably necessary. The Workhouse on Blackwell's Island has plenty of spare room and is an entirely secure prison. By Section 398 of the Consolidation Act the Department of Public Charities and Correction is authorized to transfer, in its discretion, persons detained in the City Prison, Penitentiary or almshouse to the Workhouse; and under this provision it would seem that orders might be immediately given that enough of the prisoners in the overcrowded prisons should be transferred to those that are not crowded, so that only one man should be confined in any cell.

New Prisons Imperatively Needed.

But the essential and permanent remedy for the overcrowding is to construct new prisons. A new penitentiary should be immediately constructed, and the Tombs Prison should be demolished, and a new prison, designed as a place of safe detention and not of punishment, and built in accordance with modern ideas of prison construction, should be erected in its stead. This might be done on the ground of the present Tombs without interfering with the present use of the prison. The warden of the Tombs testified that the present building on Centre street, from which the Police Court has recently been removed to the new Criminal Court Building, could be torn down and a new prison constructed on its site, forming a wing or part of the ultimate entire prison to be constructed, into which, when completed, the prisoners in the old prison could be removed, and then the old prison could be demolished and a new prison built in its place; the whole forming, when completed, a complete prison establishment.

The Committee has no hesitation in recommending that

no attempt should be made to save or utilize the present Tombs buildings. They should be entirely demolished and a new modern prison constructed in their place.

The District Prisons.

The various district prisons of the city the Committee found in a generally good condition. The Harlem Prison and the Jefferson Market Prison are comparatively new prisons. The Essex Market Prison and the Fifty-seventh Street Prison are old prisons. The Morrisania Prison has but few cells, and is only used as a place of temporary detention for a few hours. No prisoners are kept there over night, but all are taken every night and morning in a van to the Harlem Prison. In all the district prisons the general administration appeared to be good. Matrons were in attendance, except at Morrisania, in charge of female prisoners. There were proper arrangements for the separation and detention of female prisoners; and the prisons generally were clean and well kept. The condition, however, of the plumbing and water-closets at the Jefferson Market Prison were bad. Many of them were dirty, a number of them were out of order so that there was no water flushing them, and they appeared not to have been properly inspected or cared for. The general condition of the Harlem District Prison was particularly commendable. It was, upon the whole, in the best condition of any of the District Prisons. All the city prisons however, as distinguished from those on Blackwell's Island, were faulty in the following respects: They have no adequate facilities for bathing, for hospital service, or for the exercise of the inmates. They all have water-closets in the cells, and the prisoners are confined substantially all the time in the cells. Prisoners are, however, usually detained in them but a few days, and the results of any defects in their constrction or arrangement are not as serious as in those prisons where prisoners are detained for a long time.

The Penitentiary.

The Penitentiary on Blackwell's Island is an old prison, and in comparison with the best modern prisons has very grave faults of construction. Its general administration, however, under Warden Pillsbury, appears to be excellent. Substantially all of the inmates are kept employed during the day, working either in the stone quarry on Blackwell's Island or in the various shops or work-rooms connected with the Penitentiary—the carpenters, blacksmiths and tinsmith's shops, and the room for making clothing. Its overcrowded condition has been already referred to.

To the invitation extended to all the inmates to see the Committee, if they had any complaints or communications to make, only 18 out of over 1,000 responded, about half of whom stated that they had nothing to complain of in the prison administration, but applied to the Committee for information as to how they could obtain assistance and employment when they should be discharged, or for assistance in obtaining a commutation of sentence. Of the remainder two were obviously chronic complainers, one of whom appeared to be substantially insane on the subject of penitentiary abuses. Each of them had been repeatedly convicted and imprisoned, and most of their statements, on their face, were either vague general denunciations, or when specific facts were stated, they were obviously either wholly false and malignant or grossly exaggerated. The rest of the men who saw the Committee, five or six in number, made clear and intelligible complaints. The principal one was that no light was furnished at night, and substantially no opportunity for reading at any time.

No Opportunity for Reading.

The men are kept at work all day, and at nightfall they are brought into the prison, given their supper and then locked in their cells for the night. In winter, therefore, it is as early as six or seven o'clock when they are put in their cells, where they are kept until morning, and on Sundays and holidays. There is no light in the cells at night, and not sufficient light in them in the daytime to read comfortably; the result is that a man who wishes to read has practically no opportunity to do so.

The Committee considers this complaint a just and a very grave one, and the Warden admitted that it was such. He stated that heretofore there had been serious objections to having lamps or any of the old-fashioned methods of lighting in cells, but that it was now perfectly feasible to establish a system of electric lights in the cells, which could be turned off by the prison authorities at bed time, and would afford the prisoners opportunities for reading during the evenings. He added that it would also afford a most effective and unobjectionable method of enforcing prison discipline, as, if there were a general system of lighting the cells at night, the putting out of the light in the cell of a refractory convict for one evening, or more, would be a form of punishment which would be very effective, but to which no reasonable objection could be taken.

The evils of dark cells and of excessive confinement in them exist to substantially the same extent in the Workhouse and the city prisons. Correct principles of prison administration demand that prisoners should be furnished with occupation during working hours, and with something to engage their attention at times of leisure. While convicts should be subjected to punishment, and to severe punishment for their crimes, it ought not to take the form of long hours of enforced mental vacancy. Convicts should be made to work a proper portion of the day; their food should be plain; their confinement should be rigorous, and their punishment should be severe; but when that part of the day comes in which they are left unoccupied and at rest, opportunities should be afforded them to occupy their minds in some other way than in mere idle brooding.

Inadequate Bathing Facilities.

Another complaint made was the lack of adequate time and facilities for washing. In the Penitentiary there is no water in the cells, the bucket system being used instead

of the water-closets, with running water, as in the Tombs. There is a wash-room, with a set of sinks, in one part of the Penitentiary, where the men are taken in the morning to wash. This wash-room is in fairly good condition, but is not large enough. The difficulty is largely due to the over-crowded condition of the Penitentiary. There is on the grounds of the Penitentiary a bath-house, which has been practically constructed by Mr. Pillsbury, the present Warden, in which there are established at present about twenty-four bath-tubs, arranged side by side. The Warden stated that he intended to place there about ten more, and that all the men in the Penitentiary now took a warm bath there as often as once in ten days. There is a bathing place on the shore of the island, a little secluded bay opening from the East River, where the men bathe in summer as frequently as is necessary, which seems an excellent arrangement for warm weather. But in winter, the bathing arrangements, although vastly superior to anything in the city prisons, are still inadequate.

At the Workhouse there are what are called rain baths, which ought to be provided in every prison. Two rooms are provided at the Workhouse, one for women and one for men, arranged with a cement floor and proper drainage pipes, and with perforated pipes in the ceiling, into which water, suitably warm, is turned on, and which falls in a spray or rain, constituting what is known as the rain bath. All the inmates of the Workhouse, on first coming there, are obliged to bathe in one of those rooms, and are permitted to bathe there with sufficient frequency afterwards. Such a bath should be provided in all prisons. There are grave objections to the use of ordinary bath-tubs in any prison. Prisoners not infrequently have revolting contagious diseases, and unless the greatest pains are taken to keep prison bath-tubs clean, there is danger of the communication of such diseases from their use. All prisoners, even when such pains are taken, are suspicious of such danger. Moreover, most habitual criminals are dirty and will not bathe sufficiently unless they are compelled to do so, and if they can find any ground for

objecting, will object. No objection can be made to the rain bath. It substantially cleans itself. It enables a large number of persons to be bathed rapidly, and it ought to be introduced and its use enforced in the Penitentiary and in all prisons.

An Omission in the Act of 1895.

Our attention has been called to an omission in the Act of 1895, providing for the separation of the Department of Charities from that of the Department of Correction, which, in the opinion of the Committee, should be corrected by an amendment. A portion of the fifth section of the act provides as follows:

"The commissioner of correction may provide for the doing *in the correctional institutions* of any work, labor or service for the department of public charities that may be required by the commissioners thereof, and may from time to time, in his discretion and upon the request of the commissioners of public charities, detail and designate *inmates of the workhouse* to perform necessary work, labor and services in and upon the grounds and buildings which are in the charge of the commissioners of public charities."

It has been suggested that this section will not permit any inmates of the Penitentiary to do any work for the Department of Charities except within the correctional institutions, and that only inmates of the Workhouse can be detailed to work upon the grounds and buildings. This construction is probably correct, and the Committee is of the opinion that this portion of the act should be so amended as to permit the inmates of the Penitentiary to do any work upon the grounds or in repairing the buildings of the charitable institutions that may be necessary.

The Bakery.

In this connection the Committee would recommend another change, which was suggested both by Warden Pillsbury and Superintendent Dunphy, that the bakery in which the bread used in the prisons and charitable institu-

tions of the city is made, instead of being established at the Workhouse, and the work done there by inmates of the Workhouse, should be established at the Penitentiary and the work mainly done by convicts. Most of the inmates of the Workhouse are there for comparatively short periods of time, and therefore the men that work in the bakery are constantly changing. There are always in the Penitentiary a number of men skilled in the various trades, including a number skilled in the trade of bakers, and the comparatively long terms for which they are confined in the Penitentiary would make it much easier to get a gang of efficient men in the bakery from the Penitentiary than from the Workhouse. It is very important that the bread furnished in all these institutions should be of uniformly good quality, and that object, it is believed, would be better accomplished by establishing the bakery at the Penitentiary than under the present arrangement.

The Workhouse.

The Workhouse on Blackwell's Island was found to be generally in a good condition. Indeed, the general condition of the institutions on Blackwell's Island is, in a marked degree, better than those in the city proper. The Workhouse is not intended as a place of solitary confinement. The cells are intended to be occupied by several inmates. They are comparatively large rooms, being about 14 feet long by 8 wide. They contain four, and in some cases six, beds, consisting of cots on iron frames, which turn up against the wall when not in use, like those in the Penitentiary.

No Proper Classification of Inmates.

The most serious objection to the administration of the Workhouse lies in the neglect of those provisions of law which require that paupers be kept and employed separate from criminals, and that novices in crime be kept and employed separate from hardened criminals.

Section 398 of the New York City Consolidation Act provides as follows:

"It shall be lawful to detain in the workhouse for the purpose of employment therein, any person who shall have been duly committed to the city prison, the penitentiary, or the almshouse; *but it shall not be lawful for vagrants or paupers, or the recipients of the public charities of the said department, unless they have been before convicted of crime, to be employed in company or in association with persons committed as aforesaid, for offenses other than intoxication, or assault and battery, not felonious.* The board may transfer and commit, or cause to be transferred and committed from the said city prison, penitentiary or almshouse, to the said workhouse, or to such parts of Blackwell's Island as are set apart for the purposes of public criminal correction (*subject to the prohibition of company and association aforesaid*), the following classes of persons: persons committed for crime; persons in the almshouse; persons applying for relief to the department, providing their own consent to such transfer or committal be obtained; persons committed by magistrates as vagrants or disorderly persons."

Section 402 of the Consolidation Act provides as follows:

"It shall be the duty of the said board to cause to be kept and employed, *separate and apart from each other*, the paupers and criminals, and as far as possible *to cause the latter to be classified, so that the novice in crime may not become contaminated by the evil example of, or by association and contract with, the more hardened or confirmed.*"

These provisions of law appear to be, and for years past to have been substantially disregarded, both in the Workhouse, in the Penitentiary and in all the city prisons. There is no substantial difference made between men or women committed to the Workhouse by the Commissioners upon their own application, who have been guilty of no crime, and those committed there for crime; nor does there appear to be any substantial distinction made in the Penitentiary, or in the Workhouse, or in any of the prisons between the case of a youth or of a hitherto respectable man who has been convicted for a first offense, committed perhaps under peculiar circumstances of temptation, and a

hardened habitual criminal who has been an inmate, under repeated convictions, of prisons and workhouses all his life. At most of the institutions visited, the Wardens and Keepers when questioned said that they tried, when a young or apparently respectable person came there, and it was obviously his first experience in prison life, to put him among decent associates and at light work, but all substantially admitted that, in fact, not much distinction was made.

Undoubtedly the crowded condition of the Penitentiary and of the Tombs makes it more difficult to enforce these provisions of law in these prisons then it would be if they were larger. But that fact does not afford any adequate justification for the habitual and substantial violation of a law which is founded on fundamental principles of wise penal legislation.

Insufficient Employment Provided.

Another subject of censure is the fact that no sufficient employment or occupation is furnished for all the inmates of the Workhouse. In the case of the city prisons, where men are only detained before trial, there is theoretically no right to compel them to work, if work be regarded simply as a punishment; but to any right thinking man imprisoned in the Tombs, any light and healthful employment would be preferable to the ordinary confinement there. At all events, the inmates of the Workhouse should be employed. That was what the Workhouse was constructed for, as its name implies.

The section of the Consolidation Act already quoted, provides that any of the convicts or inmates of the other institutions, whether correctional or charitable, who have no proper employment in those institutions, may be transferred to the Workhouse and provided with employment there.

The following provisions of the Consolidation Act provide specifically, in detail, for the employment of the Workhouse inmates:

"Sec. 399. Every person whose age or health will permit shall be employed in getting out stone or in cultivating the grounds under use of the said department, or in manufacturing such articles as may be required for the ordinary use of the institutions under the control of the said board of commissioners, preparing and building sea-walls around the islands or other places upon which the said public institutions now are or may hereafter be located, or at such mechanical or other labor as on trial shall be found to suit the capacity of the individual. It shall be the duty of the department to use every proper means to furnish convicts and paupers with suitable employment by contract; such employment, however, not to conflict or to come into competition with any mechanical or other employment pursued by the people of this State. And in case any convict or pauper shall neglect or refuse to perform the work allotted to him or her by the person in charge, it shall be the duty of the proper subordinate to punish such convict or pauper by confinement, by being fed on bread and water only, for such length of time as may be considered necessary; which refusal and punishment shall forthwith be reported to said board of commissioners. And in case any pauper shall refuse or neglect to perform the work assigned to him or her on three several occasions, the said board may expel such pauper from the almshouse.

"Sec. 400. The hours of labor shall not exceed ten per day to each person subject to the discipline of the department, and shall be fixed by the board; and the articles raised or manufactured shall be subject to the order, and placed under the control of said board. All the grounds occupied by said department, or under the jurisdiction of the board, not otherwise occupied, and which are capable of cultivation, shall be used for agricultural purposes, and improved in such manner as will yield the greatest revenue to the department; and the proceeds arising from the sale of articles thus raised shall be paid monthly into the hands of the board, and be by them paid over to the city chamberlain, and a memorandum thereof filed with the department of finance of the city and county of New York.

"Sec. 401. The board may open, in their discretion, an account with all paupers committed to said workhouse, charging them with all the expenses incurred by the city for their board and maintenance, and crediting him or her with a fair and reasonable compensation for the labor performed by such pauper; and at the expiration of the term of sentence, if any balance shall be found to be due to them,

may pay the same to such pauper in cash at the time of their discharge, in the discretion of the board."

Under these sections it is made the duty of the Board of Commissioners of Charities and Correction to furnish suitable employment in the Workhouse, not only for the immediate inmates of it, but for the inmates of the Almshouse and the Penitentiary who are not otherwise provided with proper employment. But, in fact, a comparatively small portion of the inmates of the Workhouse or the Almshouse is furnished with any employment.

On the day that the Committee visited the Workhouse there were borne upon its roll, in all, men and women, seventeen hundred and thirty persons, of whom eight hundered and forty-four were confined in the Workhouse and the remainder had been detailed to perform labor in the various city prisons, upon the boats, and in various other places of employment within the jurisdiction of the Commissioners of Charities and Correction. Of this number of eight hundred and forty-four detained at the Workhouse, a considerable portion of the women were engaged in making convict clothing. A number of men were at work in the bakery, where all the bread used in the various institutions under the charge of the Commissioners of Charities and Correction is baked. There was a room in which about sixteen men were at work repairing the clothing worn by the Workhouse inmates, and another room in which about twenty men were at work making and repairing shoes. But most of the inmates of the Workhouse had substantially no occupation and are most of the time substantially idle.

There is a large and good quarry on Blackwell's Island in which very many of the convicts in the Penitentiary are employed, but there do not appear to be any of the Workhouse inmates employed in the quarry. The Workhouse has no workshops or arrangements for mechanical labor, nor is any suitable employment provided for its inmates by contract. There does not appear to be any system carrying out the scheme outlined in Section 401 of the Consolidated Act, by which any pauper, while committed to the Workhouse, who is willing to work and make something by his labor can do so. In short the plain provisions of the law under which the Workhouse was established appear to be habitually violated. Most of its inmates are furnished with no employment, and no substantial steps are taken to keep those who are recipients of public charity distinct from those who are under conviction for misdemeanors.

The importance of this neglect to distinguish between the two classes of inmates is strikingly illustrated by the number of what are known as self-committed inmates. These are persons who, being too old for commitment to the orphan asylums, the Catholic Protectory, or any of the institutions for the care of children, and not being old and decrepit enough to be committed to the almshouse, nevertheless find themselves destitute, and apply to the Commissioners of Charity for relief. The provisions of the Consolidation Act permit the Commissioners, upon such application, to commit the applicants to the Workhouse for a fixed time, and that is habitually done to a large extent. Of the total of seventeen hundred and thirty persons committed to the Workhouse on the last day the Committee visited it over five hundred were self-committed. These persons have committed no crime; they are simply recipients of charity. Whether the city should undertake the care of such persons at all is a grave question. In the absence of exceptional circumstances, the Committee is of opinion that no public aid should be extended to healthy adults, except very temporary assistance in cases of actual destitution. But, if such aid be extended, it should be under conditions which will exact hard and continuous labor, and there ought to be a proper place where they could be put to work, in which they would be kept separate from the convict inmates of the Workhouse.

Need of an Industrial School.

Section 388 of the Consolidation Act provides as follows:

"The said department is authorized to maintain on Hart's Island an industrial school; and in connection therewith is authorized to employ and use the labor of any

person from any of the public institutions committed to its charge; and the board of public charities and correction are hereby authorized to commit to and place in said industrial school any of the children who may be committed to their care, pursuant to any provisions of law heretofore or hereafter to be made."

This act was originally passed in 1869, but no such school has ever been established. If such a school were established there would be a suitable place where young boys and girls, or honest and respectable destitute persons of any age could be transferred and taught a suitable employment, and above all, kept distinct from the hardened and incorrigible paupers and criminals who make up the great class of inmates of the Workhouse and Penitentiary.

The Ludlow Street Jail.

The Ludlow Street Jail is the common jail of the City and County of New York. It is exclusively under the jurisdiction of the Sheriff of New York, while all the other prisons in the city are under the jurisdiction of the Commissioners of Charities and Correction. It was constructed to be used as the jail for the detention of civil prisoners, while the other city prisons are intended for the confinement of men charged with or convicted of crime.

The United States Criminal Prisoners.

The New York Revised Statutes provide that it shall be the duty of the keeper of each county prison to receive into the prison each person duly committed thereto for offenses against the United States, by any Court or officer of the United States, and various subsequent statutes have provided in substance that the jail in the City of New York used for the confinement of prisoners in civil cases shall be the County Jail. Under this legislation the Ludlow Street Jail has been held to be the place authorized by law for the detention of persons charged with crime against the United States, although the Tombs or any of the city prisons, constructed for the detention of criminals, would

naturally be the proper place to which such United States criminal prisoners should be committed.

In fact, for many years past there have been two main classes of prisoners confined in Ludlow Street Jail, one being persons committed by United States magistrates for crimes against United States laws, and the other being persons held under civil process issued by Judges of the State courts.

The Ludlow Street Jail was not constructed for the imprisonment of criminals, and it affords insufficient facilities for the safe detention of criminals under United States laws, some classes of whom, such as counterfeiters, for instance, are among the most hardened and desperate criminals that live. Nor are there any adequate arrangements for the proper separation of those inmates who are charged with crimes under United States Statutes, from those who are held under civil process of the State Courts.

The New York Revised Statutes provide that prisoners arrested on civil process shall be kept in rooms separate and distinct from those in which prisoners detained on a criminal charge or conviction shall be confined. The result is, that, while in the Ludlow Street Jail, the men held under civil process from the State Courts are allowed out in the corridors and sitting-room of the jail in the daytime, the United States prisoners are kept substantially in close confinement in their cells, although each set of prisoners is allowed in the yard of the jail for exercise for an hour or two in each day.

Various Defects in the Jail.

Apart from this fundamental difficulty arising from the confinement of the United States criminal prisoners in the Ludlow Street Jail when it was not constructed for that purpose, the jail has many defects. Its general principle of construction is much preferable to that of the Tombs, as its cells are located in the centre of the building, with a corridor outside between the cells and the walls; but the corridor only extends on two sides of the walls instead of extending all round the central group of cells. The ventilation in the

jail is not very bad and not very good. The prisoners complained a good deal of vermin in the cells. The condition of the plumbing and water-closets is extremely bad; the plumbing is old, worn out, entirely inadequate and dangerous to health. The jail has no decent bathing facilities. It has simply one room in which there is a bath-tub which is very little used, and the ordinary common sinks or washing places. It has no hospital accommodations. There is a physician employed by the United States Government to attend the United States prisoners, and the United States Government furnishes medicine when necessary; but, if a United States prisoner in that jail becomes ill, he is obliged to be ill in his cell. There is no hospital room in the jail to which he can be taken, and it is assumed that there is no right, under United States laws, to take him to any hospital in the city. He must remain in his cell while his sickness lasts, and must die there if that fate awaits him. There is also a physician appointed by the city with a salary of a thousand dollars a year, to attend to the prisoners held under civil process from the State Courts. But there is no provision under which medicines are furnished by the city. If a civil prisoner becomes ill the physician prescribes for him, and if the prescription requires medicine to be purchased, the prisoner, if he has any money, can send outside and buy the medicine, but, if he has no money, he has to do without it. If a civil prisoner becomes seriously ill, he can be taken to Bellevue Hospital.

The board furnished at Ludlow Street Jail, although plain prison fare, appeared, to be, like that of all the other prisons, wholesome and sufficient. It is, however, plain board, and those inmates who wish to do so are permitted to purchase better food. Until after the first visit of this Committee to the jail the food which was purchased was purchased from the keeper, and $15 a week was paid for it; after the Committee's first visit the system was changed, and food now purchased by any of the inmates is obtained and paid for outside the jail. Under the old system those who purchased board at fifteen

dollars a week had certain privileges, the most important of which was that instead of being put in their cells at seven o'clock at night, they were permitted to sit up till ten or eleven. This system still continues. We see no reason why any prisoners in such a jail should be put in their cells as early as seven o'clock at night, or why all of them should not be permitted the freedom of the corridors until ordinary bed time. Certainly such a distinction should not be made as a means of influencing the inmates to purchase the more expensive food.

Inadequate Provisions for Female Prisoners.

One of the serious defects in the Ludlow Street Jail arises from the neglect, in its construction, to make any proper provision for female prisoners. There is no part of the prison set apart for them. No matron is provided. Whenever any women are imprisoned there, they are put in cells in the same part of the prison as the men. There is a portion of the corridor railed off for them, but the prison is not arranged as it should be with any separate department and distinct set of cells. There are no distinct conveniences or places for washing. There was in the jail, when the Committee visited it, one woman, a United States prisoner. She was charged with having continued to collect, after a second marriage, a pension of eight dollars a month, which she had received as the widow of her first husband. She had never been arrested before. She was there in that jail alone, without any female attendant. The Sheriff stated that in case of necessity one of the women in the kitchen might render her some service, but in a general sense she was without female attendance or companionship. Her health was in a very bad condition. The physician informed us that she had serious diseases of the heart and kidneys, and that she ought to be removed to a hospital or some other appropriate place. Being a United States prisoner she could not be removed to a hospital, and there she remains, in as forlorn a situation as it is possible to imagine for a woman of previous respectable life unfamiliar with crime and prisons.

Abuses of Civil Arrest.

There are many gross abuses connected with the system of arrests of persons upon civil process. There were in Ludlow Street Jail, on the last day that the Committee visited it, sixteen men confined upon civil process. Some of these were confined under orders of arrest before judgment; others under executions against the person after judgment; others under the statute making a person liable to imprisonment for wages due to working women; and others under commitments for contempt.

Arrests for Goods Sold on Installment Plan.

Several of the inmates were held under executions against the person issued out of some one of the District Courts of the city, upon petty judgments recovered for the alleged conversion of goods purchased on the installment plan. It appears that there are dealers engaged in the business of selling goods on the installment plan, principally to poor and ignorant foreigners, who are usually unacquainted with the English language. The goods usually sold may be described as cheap bric-a-brac or household luxuries, such as clocks, pictures, jewelry, albums and things of that kind. Drummers are sent out who induce these people to purchase such goods on the installment plan. They sign a paper which recites that the title remains with the vendors until the goods are paid for. If an installment is not paid, a man is sent to demand payment, who claims that he demands the return of the goods; a suit is then brought in one of the City District Courts against the purchaser for the alleged conversion of the goods. There are no written pleadings. The defendants probably generally suppose that they are being sued for the balance due on the contract of purchase. A judgment is recovered in fact for such balance, but upon the theory that that is the measure of damages for the conversion of the goods. An execution is issued against the property and returned unsatisfied, and then an execution against the person is issued under which the defendant is arrested and taken to

Ludlow Street Jail. Such an execution, of course, could not be issued in an action on a contract for the price of the goods, but can be issued in an action for the conversion of property. It appears from the Jail records that there have been within the past year over one hundred such arrests upon judgments for sums between five dollars and forty dollars, most of which consist of costs. One of this class of prisoners that we saw in the jail asserted that he did not buy the goods himself but that he guaranteed the payment for a friend. It is a little difficult to see how an action of conversion could be maintained against a guarantor for not returning goods which never were delivered to him; but probably to the skillful counsel who conducts these suits, and the skillful witness who swears them through, a little matter of that kind would be unimportant.

Arrests for Petty Debts due to Women.

Another class of arrests for equally petty causes is that of men who have been arrested under the provision of the statute authorizing an execution against the person in a judgment recovered by a working woman for services performed by her for a sum not exceeding fifty dollars. This statute was passed to protect poor working women who make articles like shirts and clothing from being defrauded by sweaters, but it is often resorted to to enforce payment of any kind of a claim by a woman. Two men were detained in Ludlow Street Jail upon executions of this kind issued upon judgments recovered by midwives for services in attending upon their wives, the amount of the original claims being five dollars in each case, and the judgments amounting with costs to about fifteen dollars.

Arrests of Members of National Guard.

Another class of commitments for petty causes is the arrest of members of the State National Guard for the non-payment of fines. By the Military Code the Brigade Commanders are authorized, in case of the non-payment of petty fines imposed upon privates for infraction of military disci-

pline to commit them to jail for fifteen days, and a large number of men have, at different times, been confined in the jail under such commitments.

Commitments for Constructive Contempt.

Another class of cases in which the right to arrest is frequently abused is the case of commitments for contempt for non-payment of alimony. There was a man in the jail on the day the Committee visited it, who had been divorced from his wife and ordered to pay her five dollars a week alimony. He stated that he had done so for two years, that he then lost his employment, which was of a very humble kind, and had been unable to obtain other employment, and had nothing with which to pay the alimony. After five weeks had passed the woman applied for an order of commitment, and he was committed for contempt for not paying her twenty-five dollars. It was perfectly apparent from the appearance and dress of the man that he probably was not worth a dollar. He is committed until he pays the money; and in the meanwhile, each week, the arrears of alimony are running up.

Commitments for Unlimited Periods.

The power to commit for contempt without any fixed period is one capable of great abuse.

One of the prisoners in the jail held under commitment for contempt was a gentleman of unusual intelligence and of attractive manners, an electrical engineer by profession. The jail record showed that he was brought there in September last. His statement was in substance that he was sued in the City Court by a firm of attorneys to recover for professional services rendered to his father, on the alleged ground that he had guaranteed the payment of the bill. He defended the suit and interposed an answer. The case was tried, and a judgment was recovered against him. The plaintiffs claimed that a portion of his answer was false, and that the interposition of such an answer constituted a contempt of court. They applied to a Judge of the City Court to punish

him for contempt on that ground, and the Judge held that he was guilty, and committed him for contempt. The commitment was for no fixed time, but until he should be discharged by law. The commitment being for contempt, no bail can be taken. The prisoner stated that he could furnish any amount of bail if it would be accepted. If he had been indicted for perjury, he would have been entitled to a trial by jury, and if he had been convicted, the law fixed a limit to the term of his imprisonment. In fact, he had been convicted of perjury by a judge of a petty court, and for it sentenced to imprisonment for an unlimited term without bail. His condition was, in all essential respects, similar to that of a prisoner in the Bastile under a *lettre de cachet* in the reign of Louis XV. Very recently, since this report was first drafted, the General Term of the Court of Common Pleas has decided that this commitment was unauthorized, and has ordered the prisoner discharged.

Another interesting case was that of a prisoner whose incarceration in Ludlow Street Jail illustrates the time during which a man may still be kept in jail under civil process by a skillful attorney. This prisoner was a gentleman of good manners and of unusual intelligence. He acted as an interpreter for the Committee in conversing with the Italian prisoners. His business, before it was destroyed by his imprisonment, was that of a metal broker. He was committed to Ludlow Street jail in October, 1894, and has been there uninterruptedly nearly fourteen months. His story was this: He was sued in an action to recover about six thousand dollars upon a contract, fraud being alleged in the complaint. An order of arrest was issued at the beginning of the suit, under which he was arrested and gave bail. The action was brought to trial and resulted in a judgment against him for about twenty-two hundred dollars. He appealed without giving security, so that the proceedings on the judgment were not stayed. The plaintiff issued an execution against property which was returned unsatisfied, and an execution against his person which was returned not found, and a suit was thereupon brought against the sureties upon the undertaking of bail given upon his original discharge from

arrest. He assured the Committee that he resided with his mother in Brooklyn; that he did business at his office in New York; that the place of his residence and his business were in the directories and were well known to the plaintiff and his attorney; that no sheriff ever came with the executions to his house or his office so far as he knew; that the return that he could not be found was false; and that, as he supposes, the deputy sheriff was induced to make such return by somebody in order to afford a basis for a suit against the sureties. When he found that the sureties were sued, he surrendered himself to the Sheriff in exonoration of their liability as bail, and upon such surrender was taken to Ludlow Street Jail in October, 1894, and held under the original order of arrest. His appeal was then brought on at General Term and was successful. The judgment was reversed and a new trial ordered, pending which new trial, he remained in jail under the order of arrest. When the case came on again for trial, his counsel, a Brooklyn lawyer he states, was ill; he, of course, was in the jail. The result was that a default was taken, and a second judgment was entered for substantially the same amount as that of the first judgment. There is a provision of the Code to the effect that when an order of arrest has been issued and the defendant is in custody under it, if an execution against the person is not issued within three months after the entry of the judgment the prisoner can be discharged. The prisoner asserted that an execution against the property was issued on the judgment which the Sheriff did not return for two months, and that an execution against the person was not issued until near the expiration of thirty days thereafter. This execution was issued on October 14, 1895, and under that execution he is now held in custody. The Code provides that the imprisonment of a person held under an execution against the person, on a judgment for more than five hundred dollars, shall not continue for a longer period than six months. The prisoner stated that he hoped under that statute to be discharged in April, 1896, after about 18 months' incarceration, but added that he expected the plaintiff's attorney would discover some way of keeping him still longer in jail.

The General System of Civil Arrests.

These are fair specimens of the general classes of cases of imprisonment under civil process at the present time. The Committee, of course, heard only the prisoners' side of the case, and it would be unfair to pass judgment upon any particular case without hearing both sides. Any of these cases, however, might occur under existing law; and the Committee believes that in most cases the prisoners' accounts of their own cases were substantially correct.

The right of arrest at the present time in civil actions is, in most cases, useless, and comparatively few attorneys resort to it except in exceptional cases. If a man is liable to arrest and has means, he can usually furnish bail and be discharged under an order of arrest. If arrested under an execution against the person, he can give a bond and be discharged upon the limits, which include the whole City of New York. Orders of arrest or executions against the person therefore are practically useless against a man who can give bail, and against a man who cannot give bail they are equally useless except to gratify the malice of a creditor. The defendant is put in the jail, but nothing is accomplished toward the collection of the debt. The fact that but sixteen men were detained in Ludlow Street Jail on the day of the Committee's visit, under orders of arrest, executions against the person, commitments for contempt, and civil process of all sorts, in a city of the magnitude of New York, shows that the maintenance of the right of arrest in civil actions is in most cases unnecessary. The Committee believes that it should be absolutely abolished. Undoubtedly many acts for which a man may be arrested in a civil action, such as a gross fraud for instance, deserve imprisonment, but they deserve imprisonment because they are essentially crimes. Any act for which a man may justly be put in a prison should be made a crime, and, in the opinion of the Committee, should be prosecuted, not by a creditor, but by a public officer. If it be admitted that in some few cases the right of arrest in a civil action promotes justice, they are, nevertheless, so infrequent, that it seems to the Committee that there is no

just reason why the taxpayers of the City of New York should maintain so expensive an establishment as the Ludlow Street Jail, paying the salaries of wardens, keepers and employees of all kinds, and providing food and maintenance for the prisoners, in order, substantially, to gratify the spite of a few malicious creditors, most of them holding claims for petty amounts, which are, in fact, mere claims on contract on which no just ground of arrest exists.

In respect to the United States prisoners, the fact is, that the United States Government ought to provide a jail of its own. But if the City is to continue to keep them in one of its own jails, the criminal prison should be designated by law for that purpose, as soon as a proper one is constructed. If this were done, and orders of arrest, execution against the person and the right to arrest generally in civil actions abolished, and persons committed for contempt of court were sent to criminal prisons, there would be no need of any Ludlow Street Jail. It could be added to and made a part of the Essex Market district prison, in the immediate rear of which it is situated.

But if an entire abolition of the right of arrest in civil cases be deemed too radical a measure, the Committee has no hesitation in recommending that adequate legislation be adopted prohibiting the right to issue an order of arrest or execution against the person upon any claim or judgment for less than two hundred dollars, and providing that when any man, for any cause whatever, under any civil process or commitment for contempt, has been detained in a jail for three months continuously, he should be entitled to a discharge.

The Absence of a Uniform System of Administration.

In reviewing the general administration of the prisons of the city as a whole, the Committee has been struck with the absence of a uniform businesslike system of supervision in some of the details of their adminstration. In some respects it is apparent that there is a general system applicable to all the prisons established by the Department. The food, for instance, was all furnished from one source, and it was all substantially alike in all the prisons. It was uniformly good, wholesome food, which was probably largely due to the facts that the food was purchased in large quantities, and under the supervision of an efficient and skilful purchaser, and that the bread was baked in a large quantity, in one place, under adequate supervision. But most of the details of administration within each prison seem to be left substantially to the keepers. There was, for instance, no uniform hour of meals. Each prison has its own hours. There was no uniform system of beds, or of caring for beds or bedding. In the Tombs and most of the district prisons straw beds were used, but in the Fifty-seventh street prison plain board beds were used upon which blankets were thrown. These board beds were, in the opinion of the Committee, far better than the straw mattresses, which are inherently dirty and a sure haunt of vermin, and should not be permitted in any prison. In the Penitentiary and the Workhouse the bed consisted of an iron frame with a canvas cot, which is simple, comfortable and clean, and is far superior in every respect to the straw mattress. It was stated in the Tombs that they changed the straw each time that an inmate of the cell was changed, but at Jefferson Market Prison it was said that they changed the straw about once in six months, and the keeper of each prison seemed to exercise his own discretion in respect to such matters.

These are simply illustrations of what seems to the Committee an omission on the part of the Commissioners to establish a uniform system. The hours for meals should be fixed and should be alike. The kind of bedding and the arrangement of cells should be uniform. It should not be possible that a prisoner who happens to be taken to one prison in the City of New York should fare better or differently from another prisoner in another prison.

From a still more important point of view, this apparent neglect of any central authority to prescribe a uniform

system, or to exercise any adequate supervision over the different prisons, shows a lack of businesslike administration, affording a constant opportunity for abuses to grow up in any particular prison.

Recent Penal Legislation.

The last Legislature passed several acts of great importance affecting the administration of criminal law in New York City, and the Committee had an opportunity to observe, to some extent, the effect of the practical working of these statutes.

The New Police Magistrates Act.

The act creating a new board of police magistrates has, in the opinion of the Committee, accomplished a great and beneficial reform in the administration of criminal justice in this city.

Without going into details, the Committee was struck with many evidences of the marked improvement in the administration of justice in the New York City police courts under the new magistrates, and with the evidences of the appreciation of such improvement in the opinion of the public and of the criminal classes themselves. It should be a subject of sincere congratulation to the Prison Association, and to all persons interested in correctional administration, that so marked an improvement has taken place in the character of these important tribunals.

The Wildes Act.

Another act of the last Legislature is the act commonly called the Wildes Act, which prescribes that persons convicted in the City of New York of public intoxication, disorderly conduct or vagrancy shall be committed to the Workhouse; that a record shall be kept by the Commissioners of Charities and Correction of persons committed to the Workhouse; and that the period of detention of persons so committed shall be determined by the number of

times they have been committed there, the period of detention being five days for a first commitment, twenty days for a second commitment, and thereafter a term for each commitment twice as long as that of the previous term, until the term of six months is reached, and thereafter, for each additional term, a period of six months.

Under the old system there were a large class of misdemeanants whose life was substantially passed in a continual round between Blackwell's Island and the city. They worked a few days and earned a little money, went on a spree, were arrested, committed to the Workhouse for five or ten days, a period just about long enough to work off the effects of the debauch, were discharged, came back to the city, earned a little more money, went on another spree, were again arrested, and went on through the same experience again and again. These rounders do not like the present law. Under it they "drag at each remove a lengthening chain." When they find themselves in the Workhouse, or, perhaps, detailed to do work in the other prisons, for a period of forty, eighty or one hundred and sixty days, or six months, they think that the punishment is severe, and a good many of the keepers and old hangers-on about the Workhouse and the prisons seem to think so, too.

The Committee emphatically approves of this act and the principle upon which it is based. Not enough distinction is made in penal legislation between the occasional and the habitual vagrant or criminal. The punishment for the latter should be much more severe than for the former. A very large proportion of the inmates of the Workhouse are these habitual vagrants or drunkards and disorderly characters, and they ought to be punished for a long term and made to work. A single instance of destitution may be and frequently is no evidence of unworthiness, and a single instance of public intoxication or disorderly conduct may be and frequently is an extremely venial offense. But those men and women who are repeatedly arrested and convicted of vagrancy, or intoxication, or disorderly conduct, and to whom repeated imprisonments for such offenses afford no warning, ought to be imprisoned for a sufficiently long

period to make their imprisonment a punishment, and particularly ought to be made during their imprisonment to work, which in itself is, for such persons, the severest punishment.

The Act Separating the Department of Charities from that of Correction.

Another act was passed at the last session of the Legislature, of extremely important and far-reaching consequences, abolishing the present Department of Charities and Correction, and establishing in its place two departments, one of charities and one of correction, which are henceforth to be separated and kept distinct from each other.

This act was based upon one of the wisest principles of correct penal legislation, that the treatment of the recipients of public charity should be distinct and different from that of convicts, the persistent violation of which principle for years past, notwithstanding the existence of legislation enforcing it, lies at the bottom of many of the evils in the administration of the existing system of charities and correction.

The passage of this act was supported by the State Charities Aid Association, by the Prison Association, and by substantially all of the societies and institutions in this State interested in the reform of our penal and charitable institutions. It provided that the existing Department of Charities and Correction should be abolished after December 31, 1895; that the Mayor, ten days before December 31, should appoint three Commissioners of Charities and one Commissioner of Correction, to take office on January 1st; that the two departments should thenceforth be distinct; that the Commissioners of the Sinking Fund of New York should prepare a detailed plan for the subdivision of the present Department of Charities and Correction into two departments, and for the partition between such departments of all the property now held by the Department of Charities and Correction.

The Commissioners of the Sinking Fund have prepared such a plan and have made such a partition, and the establishment of the two distinct departments in the place of the present department is now on the point of accomplishment.

This act, among other provisions, provides that after December 31, 1895, no new building for the use of the Department of Correction shall be erected on Blackwell's Island, and, in substance, that Blackwell's Island shall hereafter be devoted to hospitals, almshouses and charitable institutions under the control of the Department of Charities, and that Riker's and Hart's Islands shall be devoted to prisons, workhouses and penal institutions in charge of the Department of Correction.

The Committee, however, found that notwithstanding the passage of this law, and the various steps which have been taken to carry it out, there were indications of objections to it and to its principle, on the part of various public officers. For instance, Mr. Pillsbury, the Warden of the Penitentiary, was opposed to the plan of removing the penal institutions from Blackwell's Island to Riker's or Hart's Island. The views of this experienced officer, whose administration of the institutions under his charge for many years past reflects credit upon him, are entitled to respect and consideration. His principal objections to the removal, as stated to the Committee, was that it would involve the rebuilding of the Penitentiary and Workhouse at a much larger expense than would be involved in adding a wing to the Penitentiary and in continuing the use of the present Workhouse. Another objection which he also urged was that the quarry at Blackwell's Island afforded an admirable means of employment for a large number of convicts, and that no such quarry existed upon Riker's or Hart's Islands. The Committee understands that other gentlemen connected with the City Government have expressed similar views, being particularly impressed by the consideration of the additional expense involved in a removal of the Prison and Workhouse from Blackwell's Island, and that they are in favor of obtaining new legislation permitting the necessary wings or additions to the Penitentiary to be erected at Blackwell's Island, and then to continue the use of that portion of Blackwell's Island on which the Peniten-

tiary and the Workhouse now stand for the purposes of those institutions.

The Committee has given to these views careful consideration, but they are of the opinion that they are not sufficiently weighty to justify the abandonment of the principle which lies at the foundation of the Act of 1895, providing for the complete and final division and separation of the Department of Charities from the Department of Correction.

Many of the evils in the system in the past have been due to the fact that the two departments have been united together, and have been administered on the principle of classifying all objects of public charity or public punishment as being embraced in one common class. The honest and respectable destitute, the confirmed pauper, the novice in crime and the hardened criminal have all been massed in one great class, and treated substantially alike, except as to the different degrees of punishment to which they have been subjected.

We believe that, in order to remedy this enormous evil, there should be, in addition to a theoretical separation of the departments, an obvious and actual separation of the institutions under their control, and that this great work should now be undertaken on a large and comprehensive plan, with a view to the growth of the city and the demands to be made upon its charities and its penal institutions in the far future. The construction of new penal institutions on Riker's Island will be undoubtedly expensive, but any adequate action taken will be expensive. No substantial additions have been made to the penal institutions of the city for many years. The Workhouse can probably be transformed into an almshouse or hospital. Perhaps no use can be made of the Penitentiary, except to tear it down and use the stone in its walls for building charitable institutions. But it will cost a good deal to add the necessary wings to it to adequately enlarge it, and when done it will continue to be an essentially old and poor prison. The fact that the quarry is on Blackwell's Island seems unimportant. Prisoners could be brought there

from the upper islands in boats nearly as easily as they are now taken to the quarry from the Penitentiary.

But the great and fundamental objection to adding to the present Penitentiary is that it will be a final and irrevocable abandonment of the principle of separation. The proposed expenditure of $150,000 or $200,000, in building an additional wing to the existing Penitentiary, would be a most censurable waste of public money, if it was actually intended to ultimately build a new Penitentiary on Riker's Island. The proposition can mean but one thing, and that is the definitive and final abandonment of the plan to remove the penal institutions from Blackwell's Island. Even if such an addition were built, it will, in the opinion of the Committee, soon prove useless. The existing Penitentiary is very old, defective and inferior in all respects to ordinary modern prisons. The people of New York will not consent that this city shall remain forever under the stigma, which at present attaches to it, of having the worst penal institutions that now exist in any large city in this country. The present Penitentiary will have to be ultimately abandoned; and, in the opinion of the Committee, the only wise course is to abandon it now, before another dollar is spent upon it. All money employed in patching it will only unnecessarily increase the total expenditure which will be ultimately required, without adding anything of substantial value to the existing system of New York penal institutions. There is a pressing necessity for more hospitals and almshouses, for industrial schools, and for the provision of suitable employment for the destitute. For the purpose of institutions to carry out these charitable objects Blackwell's Island is not now too large; certainly, in a few years it will not be too large. There are obvious advantages in having Blackwell's Island used for charitable institutions, and the remoter islands for penal institutions. A very much larger number of the inmates of charitable institutions have friends in the city, and any place where charitable institutions are to be established should be easily accessible to the city, both in respect to the convenience of transporting the patients and inmates there, and also their

friends and the physicians and other persons necessarily in attendance upon them. On the other hand, there are comparatively few friends to visit prisoners, and if there were, it is not desirable to permit men undergoing punishment for crime to see outsiders often, whether they are friends or not. It is a legitimate part of all prison discipline to prevent too frequent visits. The Committee, therefore, emphatically recommends that the Prison Association stand firmly for the maintenance of the Act of 1895, and of the principle which it embodies, and resist by all legitimate opposition any amendment of the Act of 1895, involving an abandonment of its essential principle of the separation of the charitable from the penal institutions of the City, and particularly any amendment having in view the erection of new prisons on Blackwell's Island, and the final devotion of a large part of that island to the uses of penal institutions.

In conclusion, the Committee suggests that the Prison Association make the following recommendations to the Legislature and to the officers of the government of the City of New York having any relation to its public institutions of charity or correction;

RECOMMENDATIONS.

1. That the Tombs Prison be pulled down, and a new prison, constructed as a place of safe detention and not of punishment, modern in design and large enough for the requirements of the city in the future, be built in its stead.

2. That a new Penitentiary and a new Workhouse be erected upon Riker's Island.

3. That upon the completion of such Penitentiary and Workhouse, the existing Workhouse and Penitentiary on Blackwell's Island be changed so as to be used for charitable institutions, if capable of being adapted to that purpose, and that if either of them cannot be so adapted, it be pulled down and the material used, as far as possible, in the erection of suitable charitable institutions.

4. That the confinement of more than one man in any cell in any city prison or in the penitentiary at Blackwell's Island, be immediately prohibited; and that a sufficient number of prisoners now confined in the Tombs and in the Penitentiary, be transferred to the various district prisons or to the Workhouse until not more than one man be confined in any cell in any city prison or in the Penitentiary.

5. That all cells be adequately lighted with electric lights and the inmates permitted to read at night until a reasonable bed time, and that until such lights are provided they be not put in cells at night any earlier than is necessary.

6. That suitable rooms for hospital service, for meals, for religious services or instruction, and for exercise in stormy weather, and suitable yards for exercise in pleasant weather, be provided in all the city prisons.

7. That all water-closets in cells be removed and buckets substituted in their place.

8. That no mattresses or straw beds be permitted in any cell, but that instead, either canvas cots be used, attached to iron frames arranged with a hinge, so as to fold back against the wall, or canvas hammocks, arranged with hooks at one end, so that, when not in use, they can be unhooked, and the whole space in the cell be unincumbered.

9. That the Penitentiary and all the city prisons be immediately provided with proper and adequate rain baths, and that the bathing of the prisoners at reasonably frequent intervals be made compulsory.

10. That Chapter 912 of the Laws of 1895 should be amended so as to permit the inmates of the Penitentiary, as well as of the Workhouse, to be employed at any time in necessary work upon the grounds or in repairing the buildings of the Department of Charities.

11. That a bakery should be established at the Penitentiary, and that the bread used for the penal and charitable institutions of the city should be made there instead of at the Workhouse.

12. That suitable legislation be obtained making one of the criminal jails of the City of New York the County prison for the reception of United States prisoners charged with crime, and that upon such designation of such prison such United States prisoners be removed from Ludlow Street Jail to such prison and thereafter confined there.

13. That orders of arrest and executions against the person be abolished, and that no person be imprisoned under any process or order issued at the instance of any creditor in any civil action.

14. That if such imprisonment in civil actions be not wholly abolished, a law should be enacted prohibiting the imprisonment of any person under process in a civil action upon a claim or judgment for less than two hundred dollars, and providing that any person detained under any civil process or commitment for contempt of Court should be discharged after confinement in any prison for three months, if not previously otherwise discharged.

15. That the existing provisions of law providing that a suitable distinction shall be made in prisons and the Workhouse between the recipients of public charity and convicts, and between novices in crime and hardened criminals, be enforced.

16. That the existing provisions of law requiring that adequate employment shall be provided for all the inmates of the Workhouse and of the prisons be enforced.

17. That the existing provisions of law authorizing the establishment of an industrial school be carried out.

18. That the Act of 1895, providing for the separation of the Department of Charities from that of the Department of Correction, and the principle upon which it is based of separating the penal from the charitable institutions of the city, should be carried out and enforced, and that no amendment authorizing the erection of new penal institutions on Blackwell's Island should be adopted.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

Dated December 19, 1895.

GEORGE C. HOLT,
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CHARLTON T. LEWIS,
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Committee.

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Report of a Committee of the Prison Association of N.Y.

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